

RICHARD J. HAYES, JR.

ATTORNEY AT LAW

13809 BLACK MEADOW ROAD
GREENWOOD PLANTATION
SPOTSYLVANIA, VIRGINIA 22553PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

ORIGINAL

ADMITTED IN GEORGIA

TELEPHONE (703) 972-7941

September 7, 1993

RECEIVED
SEP - 8 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYMr. William F. Caton
Acting Secretary
The Federal Communications Commission
1919 M Street, N.W.
Washington, D. C. 20554RE: MM Docket No. 93-203 (RM-8245)
Islesboro Broadcasting Company, Petitioner
Islesboro, Maine

Dear Mr. Caton:

Transmitted herewith, on behalf of Islesboro Broadcasting Company, through counsel, are an original and six copies of "Formal Comments" in the above-captioned proceeding.

This proceeding pertains to the amendment of Section 73.202(b) and seeks to add a new FM service to the community of Islesboro, Maine. A "Notice of Proposed Rule Making" was adopted on June 25, 1993 and released on July 20, 1993. The comment deadline established by paragraph 8 of the "Notice of Proposed Rule Making" is September 9, 1993.

Should any questions arise regarding this matter, please contact the undersigned, directly.

Respectfully submitted,

By: BlayRichard J. Hayes, Jr., Esq.
Counsel to: Islesboro
Broadcasting CompanyRJH:lss
EnclosuresNo. of Copies rec'd
List ABCDE

276

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

RECEIVED
SEP - 8 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	MM Docket No. 93-203 (RM-8245)
Islesboro, Maine)	
)	

TO: Chief, Allocations Branch

FORMAL COMMENTS OF ISLESBORO BROADCASTING COMPANY

Comes now, Islesboro Broadcasting Company, through counsel, with "Formal Comments" in the above-captioned rule making proceeding. Islesboro Broadcasting Company requested the allotment of Channel 288B1 to Islesboro, Maine as that community's first local broadcast service. Islesboro Broadcasting Company filed information in support of the proposed allotment and indicated its intention to file an application for Channel 288B1 at Islesboro.

The purpose of these "Comments" are to restate Islesboro Broadcasting Company's interest in submitting an application (FCC Form 301) for the new FM facility at Islesboro, Maine on Channel 288B1 should the Commission release a "Report and Order" allotting that channel to Islesboro, Maine. Furthermore, Islesboro Broadcasting Company restates its intention to promptly construct the facility if it is awarded the construction permit for the new FM allotment. Also, these "Formal Comments" are submitted for the purpose of addressing several issues raised by the Federal Communications Commission in its "Notice of Proposed Rule Making" released July 20, 1993.

As stated by the Petitioner, Islesboro, Maine is an island community located in Penobscot Bay on Maine's "mid-coast." Islesboro enjoys daily passenger and vehicle ferry service from Lincolnville, Maine. In its

originally filed petition, Islesboro Broadcasting Company stated that the community has an independent form of government, schools and a post office, along with two "lodging" establishments and some 25 businesses. Petitioner also stated that Islesboro has a full-time population of 570 and a seasonal population of over 2,000. Islesboro Broadcasting Company indicated that the allotment of Channel 288B1 to Islesboro would provide a much needed broadcast service to the community and to the surrounding area.

In paragraph 3 of the "Notice of Proposed Rule Making", the Commission stated:

We note that our review of the proposal shows that the 1993 addition of the Rand-McNally Commercial "Atlas" has two listings for Islesboro, one for "Islesboro, Town of," with a separate zip code and a 1990 U.S. census population of 579. The second listing is for Islesboro (Township, "Town", or other minor civil division) with a population of 125 and a post office. No source is indicated for the population figure.

Islesboro Broadcasting Company verified the population statistics for the community of Islesboro with the Islesboro Town Manager's office and with the Chamber of Commerce. Neither source is able to explain the editorial inaccuracy of the Rand-McNally Commercial Atlas. There is only one community of Islesboro. The "town of Islesboro" includes the entire island of Islesboro. There is no separate "town" of Islesboro. The population of Islesboro is 579. This population includes only full-time, year round residents. During the summer months, the population of the island swells to over 2,000 persons. This year, however, the summertime population of Islesboro swelled to over 3,000 persons. Simply stated, the Rand-McNally Commercial Atlas is incorrect in maintaining two listings for

Islesboro, Maine.

In paragraph 4, the Commission states that Section 307(b) of the Communications Act of 1934, as amended, mandates that the Commission fairly, equitably and efficiently distribute frequencies among the several states and communities. Paragraph 4 goes on to state that, "the Commission has defined 'communities' as geographically identifiable population groupings. Generally, if a community is incorporated or is listed in the U. S. census, that is sufficient to demonstrate its status." (Emphasis added) Islesboro is an incorporated town. It was incorporated in 1789. In 1989, Islesboro celebrated its 200th birthday! Islesboro is still incorporated and is governed by a town manager and by five selectmen. The members of the Board of Selectmen are elected yearly for staggered, three year terms. The taxes collected in Islesboro are used in Islesboro. Islesboro is an island community, its businesses and schools are designed to serve the community of Islesboro. Islesboro public school system maintains classes for grades K through 12. The school system on Islesboro is a public school system and is managed by the Chairman of the School Committee. There is a five member Board of Directors and the students attend from all over the Islesboro island community. One hundred five students attend classes in grades K through 12. Students from other communities in Maine are not entitled to attend classes in Islesboro unless they pay Islesboro a separate tuition payment. At present, very few students from the "mainland" attend Islesboro public schools.

Since Islesboro is an island community, the businesses and associations

in Islesboro are intended to serve Islesboro, as opposed to other areas. The only way to reach Islesboro is by scheduled, daily ferry service or by air. Therefore, the businesses which exist on Islesboro intend to serve only the local residents of Islesboro and, during the brief summer season, part-time residents who own homes on Islesboro. It would be impractical for "mainland" residents to shop or to transact other business on Islesboro. A complete listing of the businesses of Islesboro are contained in Appendix No. 1 to these "Formal Comments."

There is one post office in Islesboro. It is located at "Main Road, Islesboro, Maine 04848." There is no other post office serving Islesboro.

It should also be noted that annual elections are held in Islesboro, by the residents, to elect the Town Manager and the Board of Selectmen, as noted above. Only Islesboro residents are entitled to vote in those elections. As is clearly evident, and has been evident since 1789, Islesboro is a community with sufficient social, economic and government indicia to qualify it as a "community" for allotment purposes.


Insofar as Islesboro, Maine is a separate and distinct community with a stable population base on a year round basis, it should be entitled to an allotment of a new FM station. Islesboro has its own businesses, its own government, its own school system, and all of its services are intended to serve the community of Islesboro.

Therefore, the premises considered, the Petitioner respectfully requests that Channel 288B1 be allotted to Islesboro, Maine as that

community's first local broadcast service.

Respectfully submitted,

Islesboro Broadcasting Company

By: 
Richard J. Hayes, Jr., Esq.
Its Attorney

Richard J. Hayes, Jr., Esq.
13809 Black Meadow Road
Spotsylvania, VA 22553
(703) 972-2690

APPENDIX ONE

ISLESBORO, MAINE

COMMUNITY STATISTICS

- 1.) Islesboro is served by a thirty-car, two hundred thirty passenger Ferry with fourteen daily arrivals/departures, 365 days each year.
- 2.) The Islesbor Town Manager's Office is open from 8:30 AM to 4:30 PM, Monday through Friday and is located in the center of town.
- 3.) The Islesboro Health Center is located in the center of Town and accepts patients by appointment and for emergency purposes.
- 4.) There are three churches on the Island of Islesboro.
- 5.) The Town Offices are located in the Center of Town, approximately 1.5 miles east of the Ferry Terminal.

ISLESBORO, MAINE

Business Listing

- 1.) Dark Harbor Real Estate Company
- 2.) Pendleton Yacht Yard
- 3.) Dark Harbor Boat Yard
- 4.) Dark Harbor House Inn and Restaurant
- 5.) Terry Wuori Company, Custom Woodworking
- 6.) The Islander Restaurant
- 7.) The Island Market
- 8.) The Carpenter's Annex, Crafts, clothing
- 9.) Islesboro Realty Associates
- 10.) John Zlotkowski Plumbing and Heating
- 11.) Pentimento Decorating
- 12.) Island Books
- 13.) Dark Harbor Shop Restaurant
- 14.) Rolerson Plumbing and Heating
- 15.) Islesboro Marine Enterprises
- 16.) Robert S. Pendleton Construction
- 17.) Leaches Garage
- 18.) Warren Realty
- 19.) Lamont's Fuel Services
- 20.) Leache's Express, Parcel Service, Moving Company, Freight
- 21.) Double Door Gallery Art
- 22.) Islesboro Electrical Services
- 23.) Oliver's Global Village Cuisine
- 24.) Island Designs Decorating
- 25.) Apple's Crafts
- 26.) Durkee's General Store
- 27.) Island Property Real Estate

All Businesses are located on Islesboro, Zip Code 04848